THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.26702 of 2006

DATED: 22.12.2006

Between:

Sri P.Chandra Mohan

...

Petitioner

and

The District Panchayat Officer, Krishna District and others

...Respondents

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION No.26702 of 2006

ORDER:

The matter is coming up for admission. Learned Assistant Government Pleader for Panchayat Raj takes notice on behalf of Respondent No.1. Sri M.Prabhakar Rao takes notice on behalf of Respondent No.2.

The Writ Petition is filed for a Writ of Mandamus declaring the order passed in ROC.No.106, dated 26.09.2006, issued by respondent No.2 as illegal, arbitrary, in violation of Principles of Natural Justice and to pass such suitable orders.

Several factual details are narrated in para Nos.3,4,5,6 and 7 of the affidavit filed in support of the Writ Petition. The main grievance of

the Writ Petitioner is that respondent No.2 had issued proceedings, dated 26.09.2006, where under though styled as notice, the said authority already had arrived at conclusion that the petitioner is an encroacher and hence, the same is violative of Principles of Natural Justice.

In the facts and circumstances of the case without expressing any further opinion, this Court is inclined to dispose of the Writ Petition permitting the petitioner to treat the same as show cause notice and the petitioner is also at liberty to submit his explanation by raising all the objections within a period of three weeks from the date of receipt of a copy of this order, and respondent No.2 to consider such objections, which may be raised by the petitioner and take appropriate decision in this regard, and till this exercise is made, *status quo* to be maintained.

Accordingly, the Writ Petition is disposed of. No order as to costs.

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(P.S.NARAYANA, J)

Dt:22.12.2006
Note: Issue wire at parties costs.
B/o
vv/bsb